

Applicant: Stephen Donovan
Serial No.: to be assigned
Filed: herewith
Page 8 of 13

The currently pending claims correspond to the claims of Group II as set forth in the Restriction Requirement dated December 20, 2000 in the related parent application, U.S. Serial No. 09/489,667.

Claims 67-80 are directed to methods of making the agents claimed in claims 69-80 that were filed in the parent application, U.S. Serial No. 04/489,667, in the Amendment dated April 20, 2001. The Examiner of the parent application has indicated that claims 69-80 of the parent application are allowed in the Office Action dated July 11, 2001.

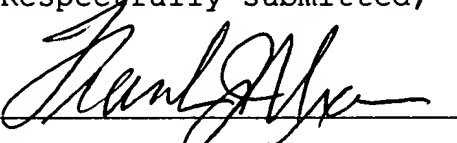
Applicant respectfully submits that the currently pending claims are in condition for allowance.

Applicant: Stephen Donovan
Serial No.: to be assigned
Filed: herewith
Page 9 of 13

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicant's undersigned representative invites the Examiner to telephone either Quan Nguyen or Greg S. Hollrigel, Ph.D., at the number provided below.

Respectfully submitted,

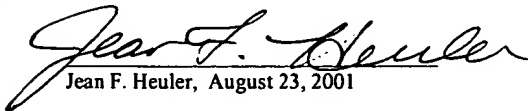
Date: August 23, 2001



Frank J. Uxa
Attorney for Applicant
Registration No. 25,612
4 Venture, Suite 300
Irvine, California 92618
(949) 450-1750
(949) 450-1764 Facsimile

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail in an envelope addressed to:
Commissioner for Patents
Washington, D. C. 20231
On August 23, 2001.


Jean F. Heuler, August 23, 2001

RECEIVED
AUG 23 2001
U.S. PATENT & TRADEMARK OFFICE

Applicant: Stephen Donovan
Serial No.: to be assigned
Filed: herewith
Page 10 of 13

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

The following paragraph has been inserted before the paragraph beginning at page 1, line 13:

This application is a divisional application of U.S. Serial No. 09/489,667, filed January 19, 2000, the content of which in its entirety is incorporated by reference into the present application.

In the Claims:

Claims 1-20, 26-35, and 38-66 have been canceled.

Claims 67-80 have been added as follows:

67. (new) A method for obtaining an agent for alleviating pain, the method comprising:
- (a) producing a genetic construct having codes for a clostridial neurotoxin component;
 - (b) incorporating the construct into a host organism;
 - (c) expressing the construct to produce the clostridial neurotoxin component; and
 - (d) covalently attaching the clostridial neurotoxin component to substance P.

Applicant: Stephen Donovan
Serial No.: to be assigned
Filed: herewith
Page 11 of 13

68. (new) The method of claim 67, further comprising covalently attaching at least one spacer component between the clostridial neurotoxin component and substance P.
69. (new) The method of claim 67, wherein the clostridial neurotoxin component is produced by an organism selected from the group consisting of Clostridial beratti, Clostridial butyricum, Clostridial botulinum, and Clostridial tetani.
70. (new) The method of claim 67, wherein the clostridial neurotoxin component is a botulinum toxin selected from the group consisting of serotype A, serotype B, serotype C1, serotype D, serotype E, serotype F, and serotype G.
71. (new) The method of claim 67, wherein the clostridial neurotoxin component is botulinum toxin serotype A.
72. (new) The method of claim 67, wherein the clostridial neurotoxin component comprises an H_N and an L chain.
73. (new) The method of claim 72, wherein the H_N is produced by an organism selected from the group consisting of Clostridial beratti, Clostridial butyricum, Clostridial botulinum, and Clostridial tetani.
74. (new) The method of claim 72, wherein the L chain is produced by an organism selected from the group consisting

Applicant: Stephen Donovan
Serial No.: to be assigned
Filed: herewith
Page 12 of 13

of Clostridial beratti, Clostridial butyricum, Clostridial botulinum, and Clostridial tetani.

75. (new) The method of claim 72, wherein the H_N is obtained from a botulinum toxin selected from the group consisting of botulinum toxin serotype A, serotype B, serotype C1, serotype D, serotype E, serotype F, and serotype G.
76. (new) A method for obtaining an agent for alleviating pain, the method comprising:
- (a) producing a genetic construct having codes for botulinum toxin;
 - (b) incorporating the construct into a host organism;
 - (c) expressing the construct to produce the botulinum toxin; and
 - (d) covalently attaching the botulinum toxin to substance P.
77. (new) A method for obtaining an agent for alleviating pain, the method comprising:
- (a) producing a genetic construct having codes for a botulinum toxin serotype A;
 - (b) incorporating the construct into a host organism;
 - (c) expressing the construct to produce the botulinum toxin serotype A; and
 - (d) covalently attaching the botulinum toxin serotype A to substance P.

Applicant: Stephen Donovan
Serial No.: to be assigned
Filed: herewith
Page 13 of 13

78. (new) A method for obtaining an agent for alleviating pain, the method comprising:

- (a) producing a genetic construct having codes for a botulinum toxin, wherein the portion encoding an Hc of the toxin has been removed;
- (b) incorporating the construct into a host organism;
- (c) expressing the construct to produce the botulinum toxin; and
- (d) covalently attaching the botulinum toxin to substance P.

79. (new) A method for obtaining an agent for treating pain,
the method comprising:

- (a) producing a genetic construct having codes for (1) a clostridial neurotoxin component and (2) substance P;
- (b) incorporating the genetic construct into a host organism; and
- (c) expressing the genetic construct to obtain a fusion protein comprising the clostridial neurotoxin component covalently coupled to the substance P.

80. (new) The method of claim 79, wherein the genetic construct includes genetic codes that encode for a spacer component between the clostridial neurotoxin component and substance P.